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District of Hawaii

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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CIV. NO. 07-0224SOM
	)	CR. NO. 03-0111SOM-01
Plaintiff,	)	
	)	MOTION FOR EXPANSION OF
VS.	)	RECORD PURSUANT TO RULE 7,
	)	RULES GOVERNING SECTION
MARIO GARIBALDI-LOPEZ,	)	2255 PROCEEDINGS FOR THE
	)	UNITED STATES DISTRICT
Defendant.	)	COURTS; DECLARATION OF
	)	DAVID F. KLEIN; CERTIFICATE
	)	OF SERVICE
	)	
_____	)	

**MOTION FOR EXPANSION OF RECORD PURSUANT TO RULE 7,**  
**RULES GOVERNING SECTION 2255 PROCEEDINGS FOR**  
**THE UNITED STATES DISTRICT COURTS**

Pursuant to Rule 7(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts, this Court is expressly authorized to expand the record to include other relevant materials pertinent to the 2255 motion. As expressly provided-for in Rule 7(b), "[a]ffidavits also may be submitted and considered as part of the record". The United

States so moves to expand the record herein to include the following:

(1) That written Declaration of David F. Klein, dated June 26, 2007 (the original of which is attached hereto).

Mr. Klein was defendant's trial counsel at the time of his plea and sentence.

Federal law recognizes such that such declarations, made under penalty of perjury, are affidavit equivalents. See 28 U.S.C. § 1746.

DATED: Honolulu, Hawaii, June 29, 2007.

Respectfully submitted,

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By /s/ Michael K. Kawahara  
MICHAEL K. KAWAHARA  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served by U.S. Mail:

MARIO GARIBALDI-LOPEZ  
Prisoner #03-001110-001  
FCI Medium A-South  
P.O. Box 90043  
Petersburg, VA 23804

Defendant Pro Se

DATED: Honolulu, Hawaii, June 29, 2007.

/s/ Shelli Ann H. Mizukami